

REMARKS

Claims 1-3, 5-10 and 13-29 are pending in this application. By this Amendment, the title and claims 1, 10, 13-14, 16 and 24-25 are amended, claims 4 and 11-12 are canceled without prejudice or disclaimer and claims 27-29 are added. Various amendments are made to the claims for clarity and are unrelated to issues of patentability.

The Office Action rejects claims 1, 2, 6, 9, 10 and 21-26 under 35 U.S.C. §102(b) over U.S. Patent Publication 2001/0041578 to Na. The Office Action also rejects claims 3, 7 and 11-20 under 35 U.S.C. §103(a) over Na in view of U.S. Patent Publication 2002/0006797 to Virtanen et al. (hereafter Virtanen). Still further, the Office Action rejects claim 4 under 35 U.S.C. §103(a) over Na in view of U.S. Patent Publication 2003/0040300 to Bodic et al. (hereafter Bodic). Finally, the Office Action rejects claims 5 and 8 under 35 U.S.C. §103(a) over Na in view of U.S. Patent Publication 2004/0097248 to Schmidt et al. (hereafter Schmidt). The rejections are respectfully traversed with respect to the pending claims.

Independent claim 1 recites receiving a first short message service (SMS) message of a multimedia message service (MMS) notification message, performing a flag setting in a mobile station (MS) after receiving the first SMS message, the flag setting to restrain radio area update (RAU) processing, and receiving a second SMS message of the MMS notification message.

The applied references do not teach or suggest all these features of independent claim 1. More specifically, the Office Action appears to assert that Na discloses performing a flag setting in a mobile station based on the received first SMS message. The Office Action references Na's FIGs. 2 and 5 as well as paragraphs [0011] and [0012]. The Office Action asserts that Na teaches

Reply to Office Action dated January 25, 2006

a method of keeping track and receiving such messages onto the receiving terminal. However, there is no suggestion in Na for performing a flag setting after receiving the first SMS message. Furthermore, there is no suggestion in Na of a flag setting to restrain radio area update (RAU) processing. Na's paragraphs [0011] and [0012] (as well as the remaining disclosure) do not even mention a flag. Thus, Na does not teach or suggest all the features of independent claim 1. The other applied references do not teach or suggest the missing features. For at least the reasons set forth above, independent claim 1 defines patentable subject matter.

Independent claim 10 recites that a routing area update (RAU) is controlled based on the received SMS messages and based on a flag setting of the mobile station, wherein the RAU is prevented from being performed at a time of the flag setting, and the RAU is performed after changing the flag setting.

Features of current claim 10 were previously recited in dependent claims 11 and 12. In rejecting previous claims 11 and 12, the Office Action (on page 8) appears to state that Na does not disclose that the RAU is controlled based on a flag setting in the mobile station. The Office Action then relies on Virtanen as teaching the use of flag setting when routing information of SMS. The Office Action cites Virtanen's FIG. 2 and paragraphs [0025], [0031] and [0033]. However, Virtanen's cited sections do not disclose that the RAU is prevented from being performed at a time of the flag setting, and the RAU is performed after changing the flag setting, as recited in independent claim 10. That is, the citation to Virtanen merely relates to mobile terminating (MT) flag and mobile originating (MO) flag. More specifically, the MT flag indicates whether a short message may be delivered to a mobile station and the MO flag indicates whether

Reply to Office Action dated January 25, 2006

a mobile station can send a short message. See Virtanen's paragraph [0031]. Thus, the cited sections of Virtanen do not relate to the specifically claimed features relating the RAU being prevented from being performed at a time of the flag setting, and the RAU is performed after changing the flag setting, as recited in independent claim 10. The other applied references do not teach or suggest the missing features of independent claim 10. Thus, independent claim 10 defines patentable subject matter.

Independent claim 16 recites releasing a radio resource (RR) connection when a first SMS message constituting the MMS notification message is received, performing a flag setting when the RR connection is released, receiving a second SMS message constituting the MMS notification message, and releasing the flag setting after receiving the second SMS message.

The applied references do not teach or suggest all the features of independent claim 16. In addressing independent claim 16, the Office Action appears to state that Na discloses releasing a radio resource connection when a first SMS message constituting the MMS notification message is received. The Office Action cites Na's FIG. 8A and paragraphs [0011] and [0012]. However, Na does not suggest these features as Na does not disclose releasing a RR connection when a first SMS message is received (of two SMS messages) constituting the MMS notification message. Furthermore, Virtanen does not teach or suggest these missing features.

Additionally, there is no suggestion for combining Na and Virtanen so as to suggest performing a flag setting when the RR connection is released. While Virtanen may disclose flags, there is no suggestion for performing a flag setting when the RR connection is released.

Reply to Office Action dated January 25, 2006

Furthermore, there is no suggestion in the applied references for releasing the flag setting after receiving the second SMS message. For at least the reasons set forth above, the applied references do not teach or suggest all the features of independent claim 16. Thus, independent claim 16 defines patentable subject matter.

Independent claim 21 recites receiving a first SMS message, determining whether the first SMS message comprises part of a MMS notification message, and setting a flag based on the determination regarding the first SMS message. For at least similar reasons as set forth above, the applied references do not teach or suggest all the features of independent claim 21. Thus, independent claim 21 defines patentable subject matter.

For at least the reasons set forth above, each of independent claims 1, 10, 16 and 21 define patentable subject matter. Each of the dependent claims depends from one of the independent claims and therefore defines patentable subject matter at least for this reason. In addition, the dependent claims recite features that further and independently distinguish over the applied references. For example, dependent claim 25 recites performing a routing area update (RAU) processing in response to charging the flag setting. Additionally, dependent claim 27 recites releasing the flag setting in response to receiving the second SMS message, and performing the RAU processing after releasing the flag setting. The applied references do not teach or suggest these features. Thus, dependent claims 25 and 27 define patentable subject matter at least for this additional reason.

Serial No. **10/824,360**

Docket No. **P-0649**

Reply to Office Action dated January 25, 2006

CONCLUSION

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Favorable consideration and prompt allowance of claims 1-3, 5-10 and 13-29 are earnestly solicited. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
FLESHNER & KIM, LLP



David C. Oren
Registration No. 38,694

P.O. Box 221200
Chantilly, Virginia 20153-1200
(703) 766-3701 DYK:DCO/kah

Date: April 24, 2006

\\fk4\Documents\2000\2000-759\86264.doc

Please direct all correspondence to Customer Number 34610